

2004

# CRIMINAL LAW INSTITUTE

## SOUTHERN REGION

AUGUST 2-4, 2004  
HYATT REGENCY ISLANDIA, SAN DIEGO



ADMINISTRATIVE OFFICE  
OF THE COURTS

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EDUCATION DIVISION/CENTER FOR  
JUDICIAL EDUCATION AND RESEARCH

HOTEL &  
REGISTRATION  
DEADLINE:  
JULY 9, 2004

## INVITATION TO ATTEND

The Administrative Office of the Courts (AOC) Education Division/Center for Judicial Education and Research (CJER) cordially invites all judicial officers to attend its Criminal Law Regional Institutes. The purposes of the institutes are to help you keep up with recent developments in the law and solve current court problems. The program has been prepared by an education committee of experienced judicial officers from throughout the state to ensure its relevance to your judicial work.

This year the institute is offered regionally to reduce participants' travel costs. In August it will be in Southern California, and in October it will be in Northern California. The details for the October institute will be posted online in August. Please attend the institute nearest you.

Please notify your presiding judge promptly if you plan to attend. In addition, please complete and submit the online registration form by **July 9, 2004**. We hope you will join us for this informative and enjoyable judicial conference.

# COURSE DESCRIPTIONS

## MONDAY, AUGUST 2

11:00 a.m.–1:00 p.m.

### REGISTRATION

1:00–2:00 p.m.

### WELCOMING REMARKS

### CRIMINAL LAW UPDATE

Keep current with Justice Epstein's provocative review of new developments in criminal law.

*Hon. Norman L. Epstein*

*Court of Appeal, Second Appellate District*

2:00–5:00 p.m.

### TWO CONCURRENT SESSIONS

### CRIMINAL LAW ORIENTATION

Judicial officers new to a criminal law assignment or returning after several years of absence will find this general overview and refresher on basic criminal procedure invaluable.

*Hon. Rebecca S. Riley*

*Superior Court of Ventura County*

*Hon. Eddie C. Sturgeon*

*Superior Court of San Diego County*

— OR —

### THE LAW OF HOMICIDE

Basic homicide law will be reviewed including types of homicides, theories of liability, possible defenses, and a look at troublesome new developments, such as intent to kill as it relates to manslaughter.

*Hon. Ronald S. Coen*

*Superior Court of Los Angeles County*

*Hon. Michael D. Wellington*

*Superior Court of San Diego County*

5:00 p.m.

### ADJOURN

## TUESDAY, AUGUST 3

8:00–9:00 a.m.

### ETHICS AND THE MEDIA\*

Participants will discuss the ethical considerations raised by news media in the courtroom, including public comment about a pending or impending case, the release of information to the media, *Republican Party v. White*, ethical rules affecting lawyers' conduct, training courtroom personnel, and practical ways to achieve compliance short of contempt.

*Hon. Alice C. Hill*

*Superior Court of Los Angeles County*

9:10 a.m.–12:00 noon

### TWO CONCURRENT SESSIONS

#### ADVANCED SENTENCING

Designed for judges with two or more years of felony experience, this course will focus on principal terms, consecutive sentencing, the overlap of violent sex crimes, one-strike sex offenses and three-strikes law, and man-

datory orders for specified offenses and for all offenses, including restitution and credits for time served.

*Hon. John "Jack" Ryan (Ret.)*

*Superior Court of Orange County*

— OR —

#### BEGINNING SENTENCING

This course will cover basic felony sentencing for judges with little or no criminal experience and for judges returning to a criminal assignment.

*Hon. Tricia Ann Bigelow*

*Superior Court of Los Angeles County*

*Hon. J. Richard Couzens*

*Superior Court of Placer County*

12:00 noon–1:00 p.m.

#### LUNCH

1:00–3:15 p.m.

## TWO CONCURRENT SESSIONS

### GANGS

This course will provide an overview of the common issues in a case in which the prosecution seeks to introduce evidence of gang affiliation. Topics to be covered include ruling on the admissibility of gang evidence, prosecutions under the Street Terrorism and Enforcement Act, witness issues, courtroom control, jury selection, and sentencing.

*Hon. Michelle R. Rosenblatt*

*Superior Court of Los Angeles County*

— OR —

### JUROR MISCONDUCT

Judge Murray will examine the law pertaining to selected juror misconduct situations, including misconduct discovered during and after the trial. Participants will discuss best practices for handling such situations.

*Hon. William J. Murray, Jr.*

*Superior Court of San Joaquin County*

3:30–5:00 p.m.

## TWO CONCURRENT SESSIONS

### DISCOVERY

This course will review recent developments in the law regarding discovery, effective trial management techniques, and procedures for the imposition of sanctions.

*Faculty to be announced.*

— OR —

### JURY INSTRUCTIONS

Increase your confidence in selecting preliminary, sua sponte, lesser included, and related offense instructions, and in editing and ruling on proposed instructions and pinpoint or special instructions in a complex case.

*Faculty to be announced.*

5:00 p.m.

### ADJOURN

## WEDNESDAY, AUGUST 4

8:00–9:00 a.m.

### ETHICS AND NEGOTIATED DISPOSITIONS\*

Participants will engage in an insightful and thought-provoking roundtable discussion about the role of the judge in negotiating settlements in felony cases. The discussion will be led by two judges with combined experience of over 30 years in handling felony cases.

*Faculty to be announced.*

9:10–10:15 a.m.

### TWO CONCURRENT SESSIONS

#### SEARCH AND SEIZURE

This is an introductory course for judicial officers with little or no experience in criminal procedure. Its goal is to provide a basic understanding of Fourth Amendment law and procedure. After examining the development of the exclusionary rule in Fourth Amendment jurisprudence, participants will discuss concepts such as probable cause, temporary detention, and “standing,” the emphasis on “bright line” decisions of the Supreme Court. Several checklists will be provided.

*Hon. David De Alba*

*Superior Court of Sacramento County*

*Hon. Christopher W. Yeager*

*Superior Court of Imperial County*

— OR —

### DOMESTIC VIOLENCE

Discussion of current issues, including admissibility of prior conduct under Evidence Code section 1109, use of an absent victim’s statements under Evidence Code sections 1240 and 1370 in light of *Crawford v. Washington*, impeachment with prior inconsistent statements, and 911 emergency dispatchers’ tapes.

*Faculty to be announced.*

10:30 a.m.–12:00 noon

### TWO CONCURRENT SESSIONS

#### UPDATE ON CONFESSIONS AND ADMISSIONS

This course will cover pretrial motions involving admissions and confessions—when motions can be brought, when *Miranda* warnings are required, what kind of waiver of *Miranda* is necessary, problems involving suspects represented by attorneys, the use of invalid statements for impeachment, and the necessity that any statement be voluntary.

*Hon. W. Kent Levis*  
*Superior Court of Fresno County*  
*Hon. John Dorsey Conley*  
*Superior Court of Orange County*

— OR —

## CRIMINAL TRIAL MOTIONS

This course is a fast-paced review of how to handle foundational issues for scientific evidence, severance of counts and defendants, informant disclosure, and in camera requests by the defendant on the basis of privilege.

*Hon. Gregg L. Prickett*  
*Superior Court of Orange County*

12:00 noon

## PROGRAM ADJOURNS

## \*QUALIFYING ETHICS

The Judicial Council–approved, second-cycle Qualifying Ethics model requires attendance at a three-hour core course, plus two hours of ethics-related electives. Completion of the second cycle of training qualifies a judicial officer for state-sponsored Commission on Judicial Performance defense insurance. Several ethics-related institute offerings (marked \*) are pending review and approval by the Qualifying Ethics Education Committee as elective courses. Once approval is received, participants registered for the course or courses will be notified by e-mail.

## HOTEL ARRANGEMENTS

HYATT REGENCY ISLANDIA

1441 QUIVIRA ROAD

SAN DIEGO, CA 92109

619-224-1234

A block of rooms has been reserved for program participants at the Hyatt Regency Islandia Hotel in San Diego. Each participant is responsible for making his or her own hotel reservations. ***The hotel registration deadline is July 9, 2004.*** To receive the special conference rate of \$110 per night (single or double occupancy) mention that you are with CJER. Reservations will be made on a first-come, first-served basis. Because the room block is limited, make your reservations early.

Our room block includes only enough rooms to accommodate judicial officer participants. If you need additional rooms, please reserve them outside the room block.

## MCLE

We certify that this program will qualify for Minimum Continuing Legal Education (MCLE) credits from the State Bar of California in the amount of 15.30 hours. MCLE forms will be available at the program.

## STATE FUNDING FOR CERTAIN EDUCATION EXPENSES

The AOC will pay the hotel directly for your lodging if you attend the entire course and your home and court are more than 25 miles away from the Hyatt Regency Islandia Hotel in San Diego. If you qualify for lodging, you must make your own lodging reservations by the hotel reservation deadline and are individually responsible for any cancellation charges and incidental expenses.

The AOC will pay directly for group meals for participants who attend the entire institute in which they are enrolled. Therefore, during the institute, you will be included in the meal counts for breakfast, lunch, refreshment breaks, and other group events. These procedures apply to assigned judges only if state funding is approved by the AOC's Assigned Judges Program before the program.

"Attending the entire institute" means arriving before the institute begins and staying until the institute officially ends. Those who do not attend the entire institute will remain individually responsible for their own lodging and group meal expenses.



## CANCELLATION

If, after registering, you find you are unable to attend the institute, please cancel in writing by [July 28, 2004](#). E-mail your cancellation to Diane Parks, Program Secretary, at [diane.parks@jud.ca.gov](mailto:diane.parks@jud.ca.gov) or fax it to 415-865-4335, attention: Diane. Because hotel food and beverage costs are guaranteed, you may be charged for these expenses if you cancel after July 28.

## ACCESSIBILITY

The Judicial Council of California supports the Americans With Disabilities Act, which promotes public accessibility for persons with disabilities. If you require special equipment or services, please contact Diane Parks, Program Secretary, at 415-865-7525.

## CRIMINAL LAW EDUCATION COMMITTEE

Hon. Kazuharu Makino, Chair  
Superior Court of Orange County  
Hon. Michael Einum Barton, Vice-Chair  
Superior Court of Santa Cruz County  
Hon. Ronald S. Coen  
Superior Court of Los Angeles County  
Hon. David De Alba  
Superior Court of Sacramento County  
Hon. W. Kent Levis  
Superior Court of Fresno County  
Hon. Ronni B. MacLaren  
Superior Court of Los Angeles County  
Hon. William J. Murray, Jr.  
Superior Court of San Joaquin County  
Hon. Vernon K. Nakahara  
Superior Court of Alameda County  
Hon. Rebecca S. Riley  
Superior Court of Ventura County  
Hon. Michelle R. Rosenblatt  
Superior Court of Los Angeles County  
Hon. Christopher W. Yeager  
Superior Court of Imperial County  
Hon. Jane A. York  
Superior Court of Fresno County

## *Liaisons:*

Hon. George J. Abdallah, Jr.  
Superior Court of San Joaquin County  
Joshua Weinstein, Attorney  
Administrative Office of the Courts  
Office of the General Counsel  
June Clark, Attorney  
Administrative Office of the Courts  
Office of Governmental Affairs

## CJER STAFF FOR PROGRAM

Karen M. Thorson, Director  
Andrea L. McCann, Program Attorney  
Virginia L. Chang, Program Coordinator  
Diane Parks, Program Secretary